



Excerpts from Tribal Employment Rights
Ordinance of the Oglala Sioux Tribe of the
Pine Ridge Reservation, Ordinance No. 84-08,
(as amended).

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CHAPTER 6

SCOPE OF INDIAN PREFERENCE

- A. All covered employers shall have grant preference to resident Indian, without regard to tribal affiliation, over nonresident Indians in hiring, promotion, training, and all other elements of employment.
- B. All covered employers shall grant preference to Indians, whether resident or nonresident, over non-Indians in hiring, promotion, training, and all other elements of employment.
- C. All covered employers shall grant preference to certified Indian owned firms, whose principal places of business are located within the exterior boundaries of the Pine Ridge Reservation, without regard to tribal affiliation, over certified Indian-owned firms whose principal places of business

are located without such boundaries, in awarding contracts and subcontracts.

D. All covered employers shall grant preference to certified Indian-owned firms without regard to the location of their respective principal places of business, over non-certified firms with some Indian Ownership, in awarding contracts and subcontracts.

E. All covered employers shall give preference to non-certified firms with some Indian ownership, whose principal places of business are located within the exterior boundaries of the Pine Ridge Reservation, without regard to tribal affiliation, over non-certified firms with some Indian ownership, whose principal places of business are located without such boundaries in awarding contracts and subcontracts.

F. All covered employers shall grant preference to non-certified firms with some Indian ownership, without regard to the location of their respective principal places of business, over non-Indian-owned firms, in awarding contracts and subcontracts.

CHAPTER 11

SANCTIONS

Any one or combination of the following sanctions shall be imposed by the Commission upon its determination that a person has failed to comply with any requirements set forth in this Ordinance, in any and all supplementary ordinances, or in any and all rules, regulations, and/or guidelines promulgated by the TERO Commission.

A. Imposition of a civil monetary fine not to exceed the amount of Five Hundred and 00/100 Dollars (\$500.00) per violation.

Each day on which a person has been determined to have been out of compliance with any TERO requirements shall constitute a separate violation.

- B. Suspension or termination of the person's current conduct of business within the exterior boundaries of the Pine Ridge Reservation, provided that such person be granted a reasonable period of time during which to remove its equipment and property located on the Reservation and to arrange with another person for the assumption of any of its outstanding contractual obligations.
- C. Prohibition of the persons engaging in the future conduct of business within the exterior boundaries of the Pine Ridge Reservation for a definite or indefinite period.

- D. Prohibition of monetary or other appropriate relief as and for damages to compensate any person harmed as a result of the noncompliance at issue.
- E. Order the immediate termination by the covered employer of any individual(s) hired in contravention of any TERO requirements relative to Indian preference in the selection and hiring of employees.
- F. Order the immediate recession of any contract(s) and/or subcontract(s) entered into by the covered employer in contravention of any TERO requirements relative to Indian preference in contracting and subcontracting.
- G. Order the employment, promotion, and training by the covered employer of any Indian individual(s) adversely affected by the noncompliance with any TERO

requirements relative to Indian preference in employment opportunities.

- H. Order the award of a contract or subcontract by a covered employer to any qualified Indian-owned firm adversely affected by the noncompliance with any TERO requirements relative to Indian preference in contracting and subcontracting.
- I. Order the award of back pay by the covered employer to any Indian individual(s) adversely affected by the noncompliance with any TERO requirements relative to Indian preference in employment opportunities.
- J. Order the covered employer to make such changes in its policies, procedures, and/or conduct as are deemed necessary for the purpose of securing compliance with any TERO requirements.

K. Such other or further relief and/or sanctions as the Commission should deem just and proper.

CHAPTER 14

ON-SITE INSPECTIONS

The TERO Director, the staff members within the TERO Office, and the members of the TERO Commission shall have the right to conduct periodic on-site inspections at any time during the actual operation of the business of any covered employer, in order to monitor compliance by such employer with the requirements set forth with any and all rules, regulations, and/or guidelines promulgated by the TERO Commission, and with any order issued by the Commission. During the period of any such on-site inspection, such TERO personnel and officials shall have the right to speak with any contractor, subcontractor, or employee working on the

site, so long as such conversation does not interfere with the operation of the business. In addition, such TERO personnel and officials shall have the right to inspect any and all records and other written materials maintained on-site by a covered employer, which cannot be deemed confidential for valid business purposes. Any and all such written materials so inspected shall be subject to the requirements relative to strict confidentiality, as prescribed by and set forth in Chapter 13 of this Ordinance.

CHAPTER 17

ENFORCEMENT OF ORDERS

The Police officers of the Oglala Sioux Tribe are hereby expressly authorized and directed to take whatever reasonable legal enforcement action is necessary to fully enforce any and all, cease and desist and related order as are, from time to time,

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properly issued by the Tribal Employment Rights Commission. Such an order issued by the Commission shall not require an accompanying or affirming judicial order, so as to render the order legally enforceable.